

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SAMANTHA MCGRATH, AS )  
ADMINISTRATOR OF THE ESTATE OF ) 1:22-cv-03625-JLR-RWL  
MICHAEL MCGRATH and )  
INDIVIDUALLY, ) **SETTLEMENT ORDER**  
)  
*Plaintiffs,* )  
)  
-v- )  
)  
INDUSTRIAL WASTE TECHNOLOGIES )  
and JASON SYKES. )

*Defendants.*

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It has been reported to this Court that the parties have reached a settlement agreement in the principal amount of \$500,000.

**NOW**, it is hereby **ORDERED THAT** the settlement of this matter is hereby approved and the parties are relieved of obtaining approval from the Bronx County Surrogate's Court to settle and compromise this matter as this Court is of competent jurisdiction to approve the settlement; *and*

It is **FURTHER ORDERED THAT** Plaintiff, Samantha McGrath, by her attorneys, is permitted to collect the proceeds of this settlement from Defendants and/or Defendants' representatives and Defendants are directed to forward the settlement proceeds directly to Plaintiff's counsel within 21 days of this Order, and the parties are relieved of obtaining approval from the Bronx County Surrogate's Court to distribute and collect the proceeds of the settlement; *and*

It is **FURTHER ORDERED THAT** Plaintiffs' counsel must keep all settlement funds in escrow and shall not distribute any funds to Samantha McGrath, in her capacity as Administrator Of The Estate Of Michael McGrath or Individually, until the plaintiffs' counsel obtains written confirmation from Medicare, Medicaid, New York State Department of Social Services and Workers Compensation that there are no liens to be repaid from the settlement funds. If Medicare, Medicaid, New York State Department of Social Services and/or Workers Compensation does assert any liens, the plaintiff's counsel agrees to satisfy said liens immediately from the settlement funds and provide confirmation of satisfaction to defense counsel; Plaintiffs' counsel shall satisfy any other medical liens associated with this litigation before disbursement of any settlement funds to the plaintiff. Counsel shall supply letters of no lien or lien satisfaction from these entities to

defense counsel within 5 days of receipt. Plaintiffs' counsel shall not distribute any of the settlement funds without prior written confirmation from defense counsel which shall not be unreasonably withheld.

It is **FURTHER ORDERED THAT** Plaintiff's counsel is required to obtain confirmation from Medicaid and the New York Department of Social Services, confirming that they have no liens against the proceeds of this lawsuit and provide confirmation to defense counsel within a reasonable time after receiving said confirmation. If Medicaid and/or the New York Department of Social Services does assert any liens, the plaintiff's counsel agrees to satisfy said liens immediately from the settlement funds and provide confirmation of satisfaction to defense counsel; *and*

It is hereby **FURTHER ORDERED THAT** once the distribution and collection of the settlement proceeds is completed, the parties shall promptly and jointly notify this Court for purposes of issuing an order of termination.

Dated: New York, New York  
April 21, 2023

SO ORDERED  
  
JENNIFER L. ROCHON  
United States District Judge

